



City of Malibu

Barbara A. Cameron

Grants Consultant

23815 Stuart Ranch Road Malibu, California 90265
Voice & Message (310) 457-2060 Fax (310) 456-2760

MalibuGrants@aol.com

September 29, 2005

Santa Monica Mountains Conservancy
Attn: Rorie Skei
5750 Ramirez Canyon Road
Malibu, CA 90265

RECEIVED
STATE OF CALIFORNIA

OCT 03 2005

Re: Malibu Civic Center Chili Cook-Off Land Acquisition

SMMC
MALIBU

Dear Rorie,

The City of Malibu anticipates two grant awards for this land acquisition project from programs that involve the Santa Monica Mountains Conservancy: \$2 million pass through from the Wildlife Conservation Board Proposition 50 grant program scheduled for WCB approval on November 17, 2005, and \$2 million from SMMC Proposition 50, both scheduled for SMMC board approval on October 24, 2005. It is the City's understanding that the SMMC will execute one grant agreement for the SMMC funding and the WCB will execute a grant agreement with both the SMMC and the City of Malibu. It is the City's understanding the WCB has provided you with a copy of the proposed grant agreement for your review.

Receipt of the funds into escrow by the earliest possible date is critical as the seller's willingness to sell the property for this clean water project expires on December 31, 2005, as you know. In order to facilitate this ambitious timeline, this package includes a signed property appraisal performed by Integra Realty subject to the revised August 2005 appraisal specifications of the California Department of General Services. It is the City's understanding that Bob Clark is taking the appraisal and preliminary title report to the Department of General Services in order to obtain an Appraisal Review Letter as soon as possible. In addition, this package includes the following:

- Chicago Title Preliminary Title Report
- Malibu Bay Company Letter of Intent to Sell
- City of Malibu Council Resolution 05-42 (SMMC Proposition 50) and Resolution 05-43 (WCB/SMMC Proposition 50)
- City of Malibu CEQA Notice of Exemption filed with the County Clerk and State OPR

A recent environmental assessment of the land to be acquired can be accessed on the City of Malibu website – www.ci.malibu.ca.us. To review the EIR from the home page, click on City Departments, then Environmental and Community Development, then Planning Division, then Special Projects, then Malibu Bay Company DA/Final Draft Environmental Impact Report. These four EIR reports cover all twelve MBC properties including the Chili Cook-Off site.

It is my understanding that your agency has all that it needs to prepare the grant agreement for the signature of the Malibu City Manager. Please let me know if you need anything more from the City at this time.

By way of this letter, I would like to re-introduce you to the City of Malibu Administrative Services Director, Reva Feldman, who will be managing the escrow on behalf of the City of Malibu. If you have specific questions or need information about the escrow or the title report, Reva can be reached at (310) 456-2489 extension 224 or rfeldman@ci.malibu.ca.us. If you need to contact the Malibu City Attorney who will be reviewing the grant agreements, Christi Hugin can be reached at (310) 643-8448 or chugin@localgovlaw.com.


This letter will be followed by a summary of the next steps regarding a new legal description of the open space portions of the two subject parcels that we commonly call the Chili Cook-Off parcels. You may recall that one of the parcels has existing commercial development that will not be part of the City environmental projects. The open space portions of both parcels are being specifically surveyed and legally described. The Chicago Title Preliminary Title Report and Integra appraisal include a legal description of both parcels in their entirety. A new legal description of only the currently vacant land will become part of the final grant agreement documents and subject to the terms of any deed restrictions.

I would like to let you know that Bob Clark, Senior Land Agent at the Wildlife Conservation Board, is taking the lead for the Resource Agency grants, including the State Coastal Conservancy. Bob is happy to help answer any questions or help in any way in order to expedite this acquisition project through the Department of General Services, if needed. Bob Clark can be reached at (916) 323-8981 or belark@dfg.ca.gov. Bob has informed me that WCB will file a Notice of Exemption with the State Clearinghouse for this land acquisition project. You may want to find out if your agency needs to file its own NOE or if WCB's filing can cover your agency requirements.

The Coastal Conservancy and WCB are also cooperating on deed restriction language to be recorded for their respective agencies. The City of Malibu would like to avoid conflicting language between the five agencies that are participating in funding this acquisition. Please provide your agency's proposed deed restrictions, if any, to the City Attorney as soon as possible with copies to the City Manager, Katie Lichtig, and myself. Katie can be reached at (310) 456-2489 extension 226 or klichtig@ci.malibu.ca.us, if you have questions or I am unavailable.

Please let me know if I can be of any further assistance. The City appreciates the strong support of the Santa Monica Mountains Conservancy and the anticipated grant awards. Malibu looks forward to meeting the pollution reduction and natural habitat restoration objectives that this land acquisition will make possible.

Sincerely,



Barbara Cameron
Grants Consultant

Cc: Katie Lichtig, Malibu City Manager
Reva Feldman, Malibu Administrative Services Director
Christi Hugin, Malibu City Attorney

This certifies that this document consisting of <u>2</u> pages is a true and correct copy of the original on file with the City of Malibu.	Attest this <u>27th</u> day of <u>September</u> <u>2005</u> .
	By <u>Lisa Page</u>
	Title <u>City Clerk</u> (seal)

RESOLUTION NO. 05-48
 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU AUTHORIZING THE APPLICATION FOR GRANT FUNDS AND, IF AWARDED, THE ACCEPTANCE OF GRANT FUNDS FROM THE SANTA MONICA MOUNTAINS CONSERVANCY PROPOSITION 50 WILDLIFE CONSERVATION BOARD GRANT PROGRAM FOR THE ACQUISITION OF REAL PROPERTY COMMONLY KNOWN AS THE CHILI COOK-OFF PARCELS IN THE CITY OF MALIBU

The City Council of the City of Malibu does hereby find and resolve as follows:

Section 1. The Wildlife Conservation Board has grant funding available from the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, Proposition 50, Chapter 10 Section 79572 Grant Program for the acquisition of the Chili Cook-Off parcels to ensure the protection of Santa Monica Bay coastal watersheds and adjacent lands located in Los Angeles County. Any project financed within the Santa Monica Mountains Zone appropriated in this Section shall be a grant from the Wildlife Conservation Board to the Santa Monica Mountains Conservancy

Section 2. The people of California found that it is in the public interest to provide good water quality for beneficial uses, improve and increase aquatic and terrestrial habitats, improve practices within watersheds, reduce pollution, and protect, restore and acquire beaches and coastal uplands, wetlands, and watersheds along the coast.

Section 3. The City Council hereby approves the application for \$2,000,000 from the Santa Monica Mountains Conservancy. The source of funding will be from the Wildlife Conservation Board. The City of Malibu proposes to acquire coastal upland to reduce pollution, restore riparian habitat, retain stormwater runoff, create wetlands, disperse highly treated wastewater and protect the natural resources of the nearby Malibu Creek, Malibu Lagoon and Surfrider Beach.

Section 4. If the grant is awarded, the City Council hereby accepts the grant funds from the Santa Monica Mountains Conservancy Proposition 50 Chapter 10 Section 79572 Grant Program to be used, along with other funds, toward the acquisition of approximately 20 acres (APNs 4458-020-007 and 4458-020-016) commonly known as the Chili Cook-Off parcels. The purchase of the property is from a willing seller, the Malibu Bay Company, formerly known as the Reco Land Company.

Section 5. The City of Malibu will comply with all federal, state, and local environmental laws and regulations applicable to the project and will obtain all required permits for the project.

Section 6. The City Council hereby appoints the City Manager or her designee as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and compliance with all applicable current state and federal laws, which may be necessary for the completion of the aforementioned grant application.

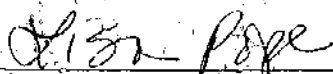
Section 7. The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 26th day of September, 2005.



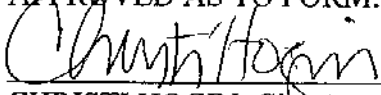
ANDY STERN, Mayor

ATTEST:



LISA POPE, City Clerk


APPROVED AS TO FORM:



CHRISTI HUGIN, City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 05-43 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 26th day of September, 2005, by the following vote:

AYES:	5	Councilmembers:	Barovsky, Conley Ulich, Jennings, Kearsley, Stern
NOES:	0		
ABSTAIN:	0		
ABSENT:	0		



LISA POPE, City Clerk
(seal)

RESOLUTION NO. 05-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU AUTHORIZING THE APPLICATION FOR GRANT FUNDS AND, IF AWARDED, THE ACCEPTANCE OF GRANT FUNDS FROM THE SANTA MONICA MOUNTAINS CONSERVANCY PROPOSITION 50 GRANT PROGRAM FOR THE ACQUISITION OF REAL PROPERTY COMMONLY KNOWN AS THE CHILI COOK-OFF PARCELS IN THE CITY OF MALIBU

The City Council of the City of Malibu does hereby find and resolve as follows:

Section 1. The Santa Monica Mountains Conservancy has grant funding available from the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, Proposition 50, Chapter 10 Section 79570 Grant Program, for the acquisition of the Chili Cook-Off parcels to ensure the protection of Santa Monica Bay coastal watersheds, pursuant to Division 23 (commencing with Section 33000) of the Public Resources Code.

Section 2. The people of California found that it is in the public interest to provide good water quality for beneficial uses, improve and increase aquatic and terrestrial habitats, improve practices within watersheds, reduce pollution, and protect, restore and acquire beaches and coastal uplands, wetlands, and watersheds along the coast.

Section 3. The City Council hereby approves the application for \$2,000,000 from the Santa Monica Mountains Conservancy. The City of Malibu proposes to acquire coastal upland to reduce pollution, restore riparian habitat, retain stormwater runoff, create wetlands, disperse highly treated wastewater and protect the natural resources of the nearby Malibu Creek, Malibu Lagoon and Surfrider Beach.

Section 4. If the grant is awarded, the City Council hereby accepts the grant funds from the Santa Monica Mountains Conservancy Proposition 50 Grant Program to be used, along with other funds, toward the acquisition of approximately 20 acres (APNs 4458-020-007 and 4458-020-016) commonly known as the Chili Cook-Off parcels. The purchase of the property is from a willing seller, the Malibu Bay Company, formerly known as the Reco Land Company.

Section 5. The City of Malibu will comply with all federal, state, and local environmental laws and regulations applicable to the project and will obtain all required permits for the project.

Section 6. The City Council hereby appoints the City Manager or her designee as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and compliance with all applicable current state and federal laws, which may be necessary for the completion of the aforementioned grant application.

This certifies that this document consisting of 2 pages is a true and correct copy of the original on file with the City of Malibu.

Attest this 29th day of September, 2005.
By Asha Pope
Title City Clerk
(seal)

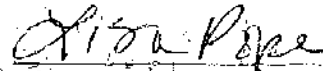
Section 7. The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 26th day of September, 2005



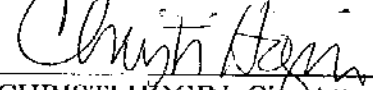
ANDY STERN, Mayor

ATTEST:



LISA POPE, City Clerk

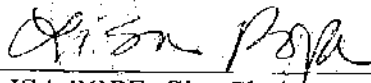
APPROVED AS TO FORM:



CHRISTI HUGIN, City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 05-42 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 26th day of September, 2005, by the following vote:

AYES:	5	Councilmembers:	Barovsky, Conley Ulich, Jennings, Kearsley, Stern
NOES:	0		
ABSTAIN:	0		
ABSENT:	0		



LISA POPE, City Clerk
(seal)

MALIBU BAY COMPANY

December 22, 2004

City of Malibu
Attention: Christi Hogin, City Attorney
City Hall
23815 Stewart Ranch Road
Malibu, California 90265-4865

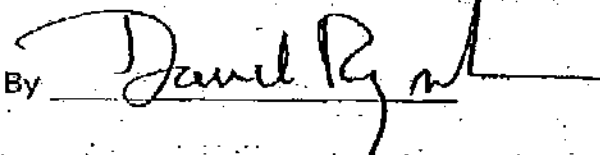
Dear Ms. Hogin:

You have asked us whether the owner of the approximately 20 acre parcel (Los Angeles County Assessor's Parcel Nos. 4458-020-016 and 4458-020-007) bounded by Pacific Coast Highway, Webb Way and Civic Center Way in the City of Malibu ("Chili Cook-Off Site") would be a willing seller of the Chili Cook-Off Site to the City of Malibu for wastewater treatment purposes and other limited public uses.

This is to advise you that the owner would agree to be a "willing seller" of the Chili Cook-Off Site for those purposes to the City of Malibu upon the terms and conditions attached hereto.

Very truly yours

MALIBU BAY COMPANY

By 

Chili Cook-Off Site: Sale Terms

In response to the City of Malibu's request, the Malibu Bay Company would agree to be a "willing seller" to the City of Malibu of the Chili Cook-Off Site (the "Site") for \$25 million cash at the closing upon the following terms and conditions:

1. Closing: The acquisition must close prior to December 31, 2005.

2. Uses of Site:

(a) Vacant Portion: The presently vacant portion of the Site is to be used by the City in perpetuity only for and subject to each of the following:

(i) wastewater/stormwater treatment and disposal facilities ("Water Treatment Facilities"), water ponds and streams, walkways and a staging area in case of emergency;

(ii) public open space for passive use and enjoyment only, with landscaping (grass, ornamental plants and/or native vegetation and demonstration gardens) and shall not be used for picnic facilities or for athletic fields or facilities for sporting activities of any kind, including but not limited to jogging, soccer, baseball, football, tennis or basketball;

(iii) parking accessory to the permitted uses on the property provided that no more than one acre of the vacant property may be used for such parking and all parking must be located along and accessed from Civic Center Way;

(iv) there shall be no exterior lighting except for emergency low intensity, low height security lighting on the Water Treatment Facilities, directed downward and shielded away from adjacent properties; and

(v) the vacant portion of the Site shall not to be used for commercial purposes except that the following shall not be considered "commercial purposes": (A) temporary (one week or less) location filming, events and uses, and (B) any Water Treatment Facility (including, without limitation, a facility treating wastewater or run-off generated by commercial properties) on the Site whether or not the City or the operator charges a fee for its use.

(b) Developed Portion: the commercial uses of the presently developed areas may be continued. The buildings may be replaced so long as any replacement buildings do not exceed 28 feet in height or 30,000 square feet in aggregate area. The developed areas shall be used only for commercial purposes and shall not be used for any educational purposes or facilities including, without limitation, classrooms or for any governmental purposes or facilities including, without limitation, a library, administrative offices or city hall.

3. Water Treatment Facilities: If the City purchases the Site and constructs Water Treatment Facilities to serve Civic Center area properties:

(a) the above-ground structures and equipment for such Facilities shall be located on the easterly portion of the property abutting the present lumber yard and animal hospital and shall not exceed 28 feet in height or 30,000 square feet in aggregate area; and

(b) all properties (i) currently owned by Malibu Bay Company or related entities in the Civic Center area (including the Malibu Colony Plaza), (ii) currently owned by A. Jerrold Perenchio southerly of Pacific Coast Highway and easterly of Webb Way or (iii) within the Malibu Colony gated area, will have the right to use the Water Treatment Facilities upon payment of a pro rata share of the cost of such facilities on the same basis as other Civic Center property owners.

4. Ownership of Property: The Site shall be owned in perpetuity by the City of Malibu.
5. Reservation of Rights: MBC retains the right to sell the Site to a third party for any purpose for an amount greater than \$25 million cash prior to the City obtaining its funding and entering into a binding purchase agreement to acquire the Site.



Original Filed in the
City Clerk's Office

CIP 05-002
CE 05-074

Notice of Exemption

City of Malibu
Planning Division

To: ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

☒ County Clerk
County of Los Angeles
P.O. Box 1024
Norwalk, CA 90651-1024

From: **City of Malibu**
23815 Stuart Ranch Road
Malibu, CA 90265

Project Title: CIP 05-002: Acquisition of commercially developed and vacant property known as the Chili Cook-Off property.

Project Location – Specific: 23500 Civic Center Way: Two parcels of land bordered on the south by Pacific Coast Highway, the west by Webb Way, the east by Cross Creek Road, and the north by Civic Center Way in the Malibu Civic Center.

Project Location – City: Malibu **Project Location – County:** Los Angeles

Description of Nature, Purpose, and Beneficiaries of Project: Acquisition of two parcels of land (APNs 4458-020-016 and 4458-020-007) comprising approximately 19.7 acres by the City of Malibu to restore natural habitat and to treat and manage stormwater and treated wastewater.

Name of Public Agency Approving Project: City of Malibu

Name of Person or Agency Carrying Out Project: City of Malibu

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268): _____ **CONNOR B. MCCORMACK, COUNTY CLERK**
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a)): _____ **J. Baker**
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c)): _____ **J. BAKER DEPUTY**
- ☒ Categorical Exemption; Type and section number: 15316, 15325, 15061(b)(3), 15325 (c) (d) (f)
- ☐ Statutory Exemptions; Code number: _____

Reasons why project is exempt: The project consists of the acquisition of land and is not expected to result adverse impacts to the environment.

Lead Agency Contact Person: Yugal Lall **Telephone Number:** (310) 456-2489 ext. 237

Signature: Stacey Rice, Ph.D. **Title:** Senior Planner **Date:** June 13, 2005

- ☒ Signed by Lead Agency
☐ Signed by Applicant

Date received for filing at OPR: _____

THIS NOTICE WAS POSTED
ON JUL 06 2005
UNTIL AUG 08 2005
REGISTRAR-RECORDER/COUNTY CLERK

05 0015752

0:01 - CAM - DIA



Chili Cook - Off Parcels (APN's: 4458-020-007 & -016)